

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2432 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
- 1 to 5 NO

J P TRIVEDI

Versus

STATE OF GUJARAT

Appearance:

MR JT TRIVEDI for Petitioner

MR VB GARANIA APP for Respondent No. 1 & 2

MR JD AJMERA for Respondent No. 3

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 02/03/98

ORAL JUDGEMENT

The petitioner was a Compounder in the Allopathic Dispensary at Village Dungar, Taluka Rajula, District Amreli. He was appointed in/or about 1946 and retired in 1981. He was drawing the salary in the pay scale of Rs.46-130. On merger of former State of Saurashtra into the State of Bombay, the petitioner was allocated to the

State of Bombay. In the State of Bombay, the pay scale of Compounder was Rs.55 - 130, but the petitioner was not given the benefit of the pay scale of Bombay.

2. Similar was the case of the other Compounders of the erstwhile State of Saurashtra and they were equated with the post of Compounder and put into the pay scale of Rs.55 - 130, but Non-Matriculate Compounders continued to be in the pay scale of Rs.46 - 130.

3. After filing of the petition, a Government Resolution dated 30th April 1986 is passed to revise the pay scale of Compounders in the former State of Saurashtra. In the Preamble of the said Government Resolution it is stated that the post of Compounders in the Medical Department of the former Saurashtra State was equated with the post of Compounder in the pay scale of Rs.55 - 130 in the Ex-Bombay State. However, Non-Matriculate Compounders of the merged State of Saurashtra were still drawing the pay scale of Rs.46-130. The Government reviewed the position and 44 Compounders were given the benefit of the pay scale of Rs.55- 130 by the Government Resolution dated 20th September 1980. The Preamble further states that, some Compounders were still left out and they had represented to the Government to allow them to draw the pay scale of Rs.55 - 130.

4. The Resolution then directs that all such Compounders in the Medical Department of former Saurashtra State should be allowed to draw the pay scale of Rs.55 - 130 and their pay scale from 1st November 1956 to 30th April 1960 be fixed notionally and from 1st May 1960 fixed regularised from time to time.

5. In view of this Circular, the petitioner is required to be paid as per this Circular. Hence, petition is allowed by directing the respondents to give all benefits and make payment to the petitioner in accordance with this Government Resolution dated 30th April 1986.

6. The respondents shall carry out this direction and make payment to the petitioner within three months from the date of receipt of the writ. Rule is made absolute accordingly with costs.

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[KMG Thilake]

